

Calendar No. 1961

86TH CONGRESS
2d Session

SENATE

REPORT
No. 1891

JOHN H. ESTERLINE

AUGUST 22, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 12476]

The Committee on the Judiciary, to which was referred the bill (H.R. 12476) for the relief of John H. Esterline, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay to John H. Esterline the sum of \$1,461.05 for damage to personal effects and automobile in 1956 while such property was being packed and crated in Colombo, Ceylon, or during shipment from Colombo to the United States, pursuant to official orders.

STATEMENT

The U.S. Information Agency transmitted to the Speaker of the House of Representatives a draft of this legislation, with recommendation for favorable consideration by the Congress.

The facts and conclusions regarding this claim are contained in House Report No. 1910 on H.R. 12476, and are as follows:

Mr. John H. Esterline, an employee of the U.S. Information Agency, was assigned to Colombo, Ceylon, as public affairs officer, during 1955 and 1956. Pursuant to Agency travel orders, he left Ceylon for home leave in the United States in April 1956. While here he underwent major (malignancy) surgery. His orders to return to Ceylon were subsequently canceled and he was assigned to duty in Washington.

In June 1956, he requested that his personal effects, including his automobile, in Ceylon, be packed and shipped to the United States. Said effects and automobile were not shipped until October 1956, although packed and crated between 61 and 73 days previously. Said effects and automobile arrived in the United States in December 1956, in damaged condition. They were covered by insurance only during shipment. The packer, the shipper, and the insurance company have denied liability for damage.

The absence of the claimant from Ceylon at the time of packing and shipping, the denial of liability by the packer, shipper, and the insurer, the inability of Federal personnel in Ceylon to fix the time of damage, and the opinion of Ceylon counsel retained by Mr. Esterline as to the inability to establish liability on the part of the packer or shipper—have all combined to prevent recovery by him. The loss sustained by Mr. Esterline, incident to his employment—and without his fault, totals \$1,461.05.

The committee has carefully considered the facts of this matter as set forth in the executive communication from the U.S. Information Agency recommending this bill, and agrees that legislative relief should be extended. Accordingly, the committee recommends that the bill be considered favorably.

The committee concurs in the action of the House of Representatives on this legislation and, therefore, recommends that the bill (H.R. 12476) be considered favorably.

Attached hereto and made a part hereof is the communication addressed to the Speaker of the House of Representatives by the U.S. Information Agency.

U.S. INFORMATION AGENCY,
Washington, May 26, 1960.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit to the House of Representatives drafts of proposed private legislation for the relief of two employees of this Agency, with my recommendation for favorable consideration by the Congress.

The first bill, for the relief of John H. Esterline, would authorize reimbursement in the amount of \$1,461.05 for damage to personal effects and automobile in 1956 during packing, crating, of said property in Colombo, Ceylon, or during shipment thereof from Colombo to the United States, pursuant to official orders.

The second bill, for the relief of Claude L. Wimberly, would authorize reimbursement in the amount of \$130 for the loss of personal effects, following customs' formalities, on or about August 21, 1958, while in Baghdad, Iraq, on official duty.

Each of the claims indicated in the above bills were approved by the Agency Claims Board after careful consideration of information submitted by each claimant in accordance with Agency regulations. Summaries of each claim are attached.

The Bureau of the Budget advises that it has no objection to the submission of these bills.

Sincerely,

ABBOTT WASHBURN,
Acting Director.

EXPLANATION OF CLAIM

The claimant, an employee of the U.S. Information Agency, was assigned to Colombo, Ceylon, as public affairs officer, during 1955 and 1956. Pursuant to Agency travel orders, he left Ceylon for home leave in the United States in April 1956. While here, claimant underwent major (malignancy) surgery. His orders to return to Ceylon were subsequently canceled and he was assigned to duty in Washington.

In June 1956, he requested that his personal effects, including his automobile, in Ceylon, be packed and shipped to the United States. Said effects and automobile were not shipped until October 1956, although packed and crated between 61 and 73 days previously. Said effects and automobile arrived in the United States in December 1956, in damaged condition. They were covered by insurance only during shipment. The packer, the shipper, and the insurance company have denied liability for the damage.

The absence of the claimant from Ceylon at the time of packing and shipping, the denial of liability by the packer, shipper, and the insurer, the inability of Federal personnel in Ceylon to fix the time of damage, and the opinion of Ceylon counsel retained by claimant as to the inability to establish liability on the part of the packer or shipper—have all combined to prevent recovery by claimant. The loss sustained by the claimant, incident to his employment—and without his fault, totals \$1,461.05.

The Agency believes that claimant should be reimbursed in the above sum.

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